## UNITED STATES GOVERNMENT BEFORE THE NATIONAL LABOR RELATIONS BOARD

1621 ROUTE 22 WEST OPERATING COMPANY, LLC d/b/a SOMERSET VALLEY REHABILITATION & NURSING CENTER	) ) ) )
Emplo and	yer ) ) Case No. 22-RC-13139
1199 SEIU UNITED HEALTHCARE WORKERS EAST NEW JERSEY REGION	1 ) ) )
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## PETITIONER'S OPPOSITION TO THE EMPLOYER'S MOTION FOR RECONSIDERATION OF THE EMPLOYER'S EXCEPTIONS TO THE HEARING OFFICER'S REPORT AND RECOMMENDATIONS ON OBJECTIONS AND NLRB'S DECISION AND CERTIFICATION OF REPRESENTATIVE

Petitioner, 1199 SEIU United Healthcare Workers East, New Jersey Region, opposes the Employer's motion for reconsideration as it fails to raise any issues warranting reconsideration. The first ground urged by the Employer, that Member Becker should have recused himself from participation in the case because of his prior representation of the Service Employees International Union, is without merit and has been consistently rejected by the Board in prior decisions.

The second issue presented by the Employer for reconsideration – that the Board failed to address numerous exceptions to the hearing officer's report -- is equally without merit. It is clear from the face of the Board's Decision that it considered the Employer's Exceptions and

reviewed the record in light of the Exceptions and the Employer's brief. Furthermore, the findings concerning the Employer's election objections turned in large part on witness testimony and the hearing officer found that the testimony relied upon by the Employer in support of its

objections was not credible. The Board noted that it carefully examined the record and found no

basis for reversing the credibility findings of the hearing officer.

Accordingly, it is respectfully requested that the Board reject the Employer's motion for

reconsideration.

Dated: September 12, 2011

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## CERTIFICATE OF SERVICE

The undersigned certifies that Petitioner's Opposition To The Employer's Motion For Reconsideration Of The Employer's Exceptions To The Hearing Officer's Report And Recommendations On Objections And NLRB's Decision And Certification Of Representative is being filed with the National Labor Relations Board on this 12<sup>th</sup> day of September 2011 via electronic filing and has been served by electronic mail upon the following:

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